

**Board of Health Meeting  
June 12, 2003**

Present: David Osler, M.D., Chairman  
Arnold Duclersaint, Member  
Cecilia Sosa-Patterson, Member  
Jack Vondras, Director  
Cesar Pungirum, Tobacco Control Program

Others Present: See attached sign in sheet

The meeting was called to order 4:40 PM.

Mr. Duclersaint was running late. Dr. Osler suggested that the executive session be held at this time, while waiting for Mr. Duclersaint. He asked if everyone could vacate the room so the Board could meet.

At 5:05 PM the meeting was once again called to order.

***Clean Air Works:***

Cesar Pungirum submitted minutes from the May 22, 2003 Somerville Board of Health Hearing. He gave a brief summary of how the process for Clean Air Works started over a year ago. He explained that several discussions with the business communities took place, comments were heard, and issues were raised. The City of Cambridge passed seven to two in favor of a smoking ban on Monday, June 9, 2003. The difference in the Cambridge ordinance was that they included private clubs. The Somerville Tobacco Control Program was looking for a vote in favor of a 100% smoking ban in Somerville that included private clubs to some extent. The proposed regulations state that if private clubs employ only members and there's no portion open to the public they can allow smoking, otherwise they have to be smoke-free. Dr. Osler asked if Cambridge's original proposal included private clubs. Mr. Pungirum stated it was added at the last minute.

Mr. Pungirum addressed several concerns raised at the hearing:

The majority of the articles of a study by the British Journal were discredited. The study was flawed. Dr. Osler stated that researchers of those articles were supported by tobacco money.

Mr. Pungirum also stated he could not find anything wrong with the definition of person in Section 6.2 of the regulations. It states, "*Any person who smokes in a nonsmoking area shall be subject to a fine of twenty-five dollars*". According to the Legal Department there was no conflict.

The issue on Private clubs; they are included in the proposed regulations to a limited extent. If the private club is open to the public, those portions would be no smoking. If

the club is open to members and members only then smoking is allowed. It would be complicated to enforce because of the difficulty in determining someone's membership.

Dr. Osler stated if the Board voted at tonight's meeting, the vote would exclude private clubs in the total ban. Mr. Pungirum stated the Board could hold a vote and amend the regulations after the fact. Cambridge included private clubs because they had time to have attorneys review the language of the amendment. Dr. Osler asked Mr. Pungirum about non-compliance in government agencies within the City. If someone were caught smoking, what would be the process? Mr. Pungirum explained that several complaints have been made of smoking in Municipal buildings. The Tobacco Control Program would bring the problem to the person in charge, generally the supervisor or Department Head, and they would correct the problem. If they are not in compliance on a reinspection, it would go to the Mayor's Office. The Tobacco Control Program has been very successful in getting compliance.

Dr. Osler asked Mr. Vondras to comment on money received for implementation of the regulations. Mr. Vondras stated the Coalition for a Healthy Future offered financial support to implement the regulations. Promotional materials were offered. Cambridge is implementing their regulations in October and it would be helpful if Somerville implemented their regulations at the same time. Harvard University and Tufts University will be active with new students, good for promotions.

Dr. Osler stated his intention was to pass the proposed regulations but come back next month with the amendment to include private clubs in the ban.

All in favor of the proposed *'Regulations Affecting Smoking in Certain Places'* - vote unanimous, three to none. Implementing date would be October 1, 2003. Dr. Osler commended Cesar and his colleagues on a job well done and suggested working closely with Cambridge regarding the implementation.

Now that the regulations were passed they should work towards getting them accomplished at the State Level.

#### ***Executive Session:***

Mr. Vondras wanted it on record that the executive session that was held earlier in the evening was regarding budget issues and nothing else.

#### ***Tufts University: Vote from Hearing:***

Mr. Vondras explained that he spent hours with the City Solicitors reviewing documentation that was given to the Board from Ms. Estella Papassavas at the last Board meeting. It is Mr. Vondras' opinion that Mr. Selfridge followed all applicable requirements of the State Sanitary Code for asbestos. Dr. Osler asked Mr. Vondras if Mr. Selfridge should have known it was asbestos. Mr. Vondras stated that Mr. Selfridge is not a licensed inspector of asbestos. The room was clearly dusty at the initial inspection, but he did not know that the floor tile contained asbestos. Mr. Selfridge is a very competent inspector and did his job properly. Mr. Vondras stated the City does not have

any staff licensed as a qualified asbestos inspector. He explained the City Solicitors do not see any issues regarding this case. The Health Department followed all required procedures. Mr. Vondras stated Ms. Papassavas was invited to this meeting and declined. Her documentation was put into public record and she was satisfied.

Dr. Osler moved to affirm the decision of Guy Selfridge, Chief Code Inspector of the Somerville Health Department has acted with compliance of the applicable requirements of the State Sanitary Code for Asbestos. Mr. Duclersaint seconded the motion. Ms. Sosa-Paterson abstained from the vote. Vote two to one (abstained).

Dr. Osler made a motion to approve the minutes from the May 15, 2003 meeting. Mr. Duclersaint seconded the motion. Vote unanimous three to zero.

***Next Meeting:***

The next Board of Health meeting will be held July 10, 2003 at 430 PM at the Council on Aging located at 167 Holland Street, Somerville.

The meeting was adjourned at 5:40 PM.

Respectfully,

Donna Pickett  
Administrative Assistant